

The Design Review Process

General Description

Anyone planning any exterior modification, change, or addition to a structure or landscape feature in the District **MUST** get approval of the proposed action from the Historic Resources Commission.

If you are contemplating making any changes to your property, contact the Executive Director of the Historic Resources Commission in the Asheville City Building, 704/259-5836. The mailing address is:

The Historic Resources Commission
of Asheville & Buncombe County
P.O. Box 7148
Asheville, NC 28802

The Director or his/her assistant will meet with you at the site to discuss your proposed work.

At the time you apply for your Building Permit you will be required to fill out an application for a Certificate of Appropriateness at the HRC office, if you haven't already done so.

What is a Certificate of Appropriateness?

A Certificate of Appropriateness (C.A.) is a permit issued by the HRC indicating that, in the opinion of the Commission, the proposed improvements to the structure or landscape are compatible with the historic

character of the Albemarle Park Local Historic District as defined by these Design Guidelines.

Exterior portions of any building or structure and all landscape features on property which lies within the Albemarle Park Local Historic District boundaries cannot be materially altered, restored, moved or demolished unless a Certificate of Appropriateness has been issued.

In many cases, the Director can give you administrative approval, issuing you a Minor Works C.A., and you can get right to work.

In those cases when you're planning something large, or something that doesn't comply with the Guidelines, your proposal must be reviewed by the entire Commission.

The Commission meets on the second Wednesday of each month in the City Building. In all instances, you are required to contact the Director before you start any construction or begin to make any changes.

You may be required to stop work and dismantle what you've already done if it doesn't comply with the guidelines. You may also be charged a daily penalty of \$50 a day if you refuse. The best way to avoid this is to get your Certificate of Appropriateness **FIRST!**

Relation to Other Laws and City Ordinances

The Asheville City Council established the Historic Resources Commission in 1979 under the authority of Chapter 160A, Article 19, Parts 3A and 3B of the North Carolina General Statutes. The Albemarle Park Local Historic District was created in November 1989 through the passage of City Ordinance No. 7777. The Albemarle Park Local historic District Design Review Guidelines have been adopted pursuant to Section 30-13-10.0 of the City's Code of Ordinances.

Zoning

The Albemarle Park Local Historic District contains property zoned under several different use categories. The historic district controls "overlay" this zoning and do not determine permissible uses.

All uses permitted under the existing land use zoning, whether by right or conditional use, are permitted in the historic district according to the procedures established for such uses. (See Section 30-13-4 of the City's Code of Ordinances.)

The Application Procedure

The Historic Resources Commission (HRC) meets on the second Wednesday of each month to consider applications for Certificates of Appropriateness (C.A.).

An application form must be filed with the Commission at least 14 days prior to the Commission meeting. Applications can be obtained at the HRC office in the Asheville City Building, or by calling the Executive Director at 704/259-5836.

The application for a C.A. must be accompanied by sufficient illustrative material to adequately describe the proposed work. The Commission may refuse to consider an application for a C.A. if it judges that insufficient information has been provided by the applicant.

For Minor Work projects, samples of proposed materials such as shingles, siding, trim, etc., finished in the proposed color, must be filed with the application.

Photographs of the existing structure or landscape and accurate, detailed drawings showing the existing property and the proposed changes shall be included if they are needed to adequately describe the proposed work.

For Major Work projects, the applicant or his/her agent shall provide accurate, detailed and dimensioned construction drawings showing the existing property and the

proposed changes.

Samples of all exterior materials in the proposed colors shall be submitted with the other documentation, as well as any manufacturer's data for the proposed materials, such as photographs, specifications and warranties, which will aid the Commission in evaluating the proposed work.

Photographs, renderings, and/or detailed line sketches which display the scale and massing of the proposed change in relation to the neighboring structures will assist the Commission in making a timely decision.

People who are considering Major Works projects are urged to consult with the HRC and its staff on an informal basis early in the planning stages to ensure a quick and timely evaluation of the formal application for a C.A.

The applicant for a C.A. is encouraged to be present during the meeting of the Commission when his/her application is being considered.

If the applicant cannot attend, it's recommended that a representative who can speak for and legally bind the applicant should be present.

The applicant and any adjacent property

owners will be given the opportunity at the meeting to make comments and to ask questions.

The order of business and the rules of procedure are described in the Zoning Ordinance of the City of Asheville which is available at the HRC office.

The Historic Resources Commission has the authority to consider extenuating circumstances or examine "the entire situation," and approve projects that meet the spirit but not the letter of the guidelines when it sees fit.

When the HRC does grant exceptions to the guidelines, it will clearly document why it has done so in the Finding of Fact.

The important point is that the HRC will attempt, at all times, to be consistent and non-arbitrary in its rulings.

Except in unusual instances, it will always do this by requiring strict adherence to the guidelines.

Enforcement and Appeals

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Violation of the rules and regulations administered by the Historic Resources Commission constitutes a civil penalty and is subject to a fine of \$50.00 per offense.

Violations include, but are not limited to: undertaking any work other than normal maintenance without securing approval in the form of a Certificate of Appropriateness; executing work in a way other than that which was approved; or, lack of progress or discontinuance of progress toward completion of a project for a period of 90 days.

Appealing a Decision by the Commission

Any property owner who is denied a Certificate of Appropriateness may appeal the Commission's decision to the Asheville Board of Adjustment. The appeal should be in writing and must be filed with the Board of Adjustment within 30 days of the Commission's decision.

According to G.S. 160A-399 and the Commission's by-laws, an appeal from the Commission "shall be in the nature of certiorari." This means that the applicant who is appealing the decision should file with the Board of Adjustment an Application for Writ of Certiorari containing a statement of the facts necessary to understand the issues presented by the appeal, a statement of the reasons why the Board of

Adjustment should consider the appeal, and copies of the minutes of the Commission meeting in which the application was denied.

The Historic Resources Commission

The Historic Resources Commission of Asheville and Buncombe County is a 14-member regulatory and advisory body composed of residents of Asheville and/or Buncombe County.

Seven members each are appointed by the Asheville City Council and the Buncombe County Board of Commissioners.

The term of appointment is 3 years. Each commissioner may be reappointed once, to serve a second, consecutive term.

An individual who has served two consecutive terms may be reappointed after having been off the Commission for at least a year.

All appointees to the Commission must have specific training or a demonstrated interest in architecture, history or archeology.

The Historic Resources Commission also recommends individual historic sites to the City and County governing bodies for local historic designation, carries out a public education program to increase awareness of the heritage of the area, and encourages the rescue and maintenance of irreplaceable historic resources.